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Nevenka Dimitrova

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EXAMINER

HOSSAIN, FARZANA E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/014,258	Applicant(s) DIMITROVA ET AL.	
	Examiner FARZANA HOSSAIN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6,9,10,12-20,23,24 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,10,12-20,23,24 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/11/2010 has been entered.

Response to Amendment

2. This office action is in response to communications filed 01/11/2010. Claims 1, 15 and 28 are amended. Claims 2-5, 9, 10, 12-14, 16-19, 23, 24, 26, 27, 29 are original. Claims 6, 15, 20 and 30-38 are previously presented. Claims 7, 8, 11, 21, 22, 25 are cancelled.

Response to Arguments

3. Applicant's arguments filed 01/11/2010 have been fully considered but they are not persuasive.

Regarding the current 112 rejection for Claims 33-38, these limitations were previously written under the independent claim limitations which were removed. The examiner objected to the claim language for minor informalities and reiterates the previous rejection for the dependent claims. It is suggested that the claim limitations remove the same language of not associated as was removed in the independent claim. The applicant's specification recites "a search by utilizing a list of websites which are categorized according to the source." It does not mention that the source is not associated with the source of the video program. In essence, the search occurs based on a selection and then it is a customized based on categories. The applicant previously argued that there is no association or relation with the broadcaster. The specification even discloses "categorized according to the source" which includes associated with the source of the video program. There is nothing in the specification that states that user's custom list, advertiser's list and the updated list is not associated with a source of the broadcaster. The background simply states that old system of online participating stores and the broadcaster was not acting on behalf of consumer.

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claims 33-38 are objected to because of the following informalities: Claims 33-38 recite "the at least one source..." The Office assumes "the at least one source" to be --at least one source--. The examiner also requests consideration of these limitations

Art Unit: 2424

as the claim language of the independent claims were amended. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 33-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims contain the limitation "at least one source not associated with a source of said video program." This subject matter is not found in the specification or in the section referenced by the applicant in the remarks provided by the user. Please see the comments in the Response to Arguments section.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2424

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 10, 15-17, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher et al (US 2008/0066129 and hereafter referred to as "Katcher") in view of Nagasaka et al (US 6,195,497 and hereafter referred to as "Nagasaka").

Regarding Claims 1 and 15, Katcher discloses a method and system for performing a transaction using a video device, the method comprising the steps:

A set top box (STB) acquiring, by the video device a video signal containing a video program (Page 2, paragraph 0029); the STB including a memory, a processor and input/output means associated therewith for transferring the signal (Figure 1, 54, Page 4, paragraph 0045, 0046, Figure 4),

the processor being capable of:

extracting from the video signal video enhanced content information of at least one product presented on the video program (Figures 1A-1D, Page 4, paragraph 0043);

presenting to the user the video enhanced content information (Figures 1A-1D);

performing by the video device, a search to identify data related to the selected product (Page 4, paragraph 0048);

wherein the video signal is separated into a plurality of frames (Figures 5A, 5B), each frame from at least a portion of the plurality of frames being subdivided into a first region containing products that are capable of being selected during a first frame of the plurality of frames (Page 6, paragraph 0059-0062, Figures 5A, 5B) and a second region containing products not capable of being selected during the first frame of the plurality

Art Unit: 2424

of frames, wherein the selection is of a product that is in the second region in the first frame of the plurality of frames when the selection is performed as the region may not be capable of being selected as a product for sale item (Page 8, paragraph 0089, Abstract),

providing the identified data to a user of the video data (Page 9, paragraph 0090); a video device operatively coupled with the STB for displaying the video program, video enhanced content information (Page 9, paragraph 0090, Figures 1A-1D), and identified data to the user (Page 9, paragraph 0090, Figures 1A-1D); and an input device operatively

with the STB for controlling the STB (Page 3, paragraphs 0037, 0038). Katcher is silent on performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected.

Nagasaka discloses wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product or object is capable of being selected (as the object is capable of being selected in the later frame) and providing the identified data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher which allows products to be selected for information for sale and allows some products or objects to be selected (Abstract, Figures 5A-5C, Page 5, paragraph 0053-0056) with Nagasaka's the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of

being selected and providing the identified data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35) as taught by Nagasaka to make the object capable of being selected in the later frame to provide a way to make it easier for the user to easily trace scenes (Column 2, lines 28-32) as disclosed by Nagasaka.

Regarding Claims 2 and 16, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the video signal includes metadata or data about the data including seller information or information about the product (Figures 2A-2D, Page 3, paragraph 0039-0040, Figures 5A-5C).

Regarding Claims 3 and 17, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the processor is further capable of purchasing the selected product (Page 5, paragraphs 0053-0056).

Regarding Claims 10 and 24, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher disclose a source for the video signal, the video signal source being selected from a group consisting of a broadcasting system, a content creator, a service provider and a set top box (Figure 2, 20, 24, 50, 10, 54).

Regarding Claims 14 and 27, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses making personalized catalog for the user (Page 5, paragraphs 0053-0056).

10. Claims 4, 5, 9, 12, 13, 18, 19, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka, as applied to claims 1 and 15, further in view of Huber et al (US 2002/0120935 and hereafter referred to as "Huber")

Regarding Claims 4 and 18, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on the filtering the video enhanced content information based on stored preferences customized by at least one user. Huber discloses filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 5 and 19, Katcher, Nagasaka and Huber disclose all limitations of Claims 4 and 18 respectively. Huber discloses that the user's preferences include values and life style of the user (Page 2-3, paragraphs 0019, 0031).

Regarding Claims 9 and 23, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher and Nagasaka are silent on searching sources from at least one predetermined list for a particular category. Huber discloses searching sources from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013). Huber discloses filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include searching sources

Art Unit: 2424

from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 12, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on receiving and analyzing transaction related information from the user or purchase history. Huber discloses receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 13 and 26, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on periodically monitoring the content information and triggering an action based on user's preferences. Huber discloses periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031) as taught by Huber to provide a way to make it

easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

11. Claim 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka, as applied to Claims 1 and 15 further in view of Tavor et al (US 6,553,347 and hereafter referred to as "Tavor").

Regarding Claims 6 and 20, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the identified data includes a source of the product of interest (Page 9, paragraph 0090, Page 5, paragraphs 0053-0056). The combination is silent on the step of negotiation with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source and outputting the results of the negotiation. Tavor discloses negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60) as taught by Tavor in order to allow the user

Art Unit: 2424

to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

12. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor.

Regarding Claim 28, Katcher discloses a method and system for performing a transaction using a video device, the method comprising the steps:

acquiring, by the video device a video signal containing a video program (Page 2, paragraph 0029);

extracting from the video signal video enhanced content information of at least one product presented on the video program (Figures 1A-1D, Page 4, paragraph 0043);

presenting to the user the video enhanced content information (Figures 1A-1D)

receiving a selection of a product of interest (Page 6, paragraph 0059-0062, Page 8, paragraph 0089, Page 9, paragraph 0090);

performing by the video device, a search to identify data related to the selected product (Page 4, paragraph 0048);

wherein the video signal is separated into a plurality of frames (Figures 5A, 5B), each frame from at least a portion of the plurality of frames being subdivided into a first region containing products that are capable of being selected during a first frame of the plurality of frames (Page 6, paragraph 0059-0062, Figures 5A, 5B) and a second region containing products not capable of being selected during the first frame of the plurality of frames, wherein the selection is of a product that is in the second region in the first

Art Unit: 2424

frame of the plurality of frames when the selection is performed as the region may not be capable of being selected as a product for sale item (Page 8, paragraph 0089, Abstract),

providing the identified data to a user of the video data (Page 9, paragraph 0090); a video device operatively coupled with the STB for displaying the video program, video enhanced content information (Page 9, paragraph 0090, Figures 1A-1D), and identified data to the user (Page 9, paragraph 0090, Figures 1A-1D); and an input device operatively

with the STB for controlling the STB (Page 3, paragraphs 0037, 0038); allowing the user to authorize purchasing of the selected product (). Katcher discloses preferences for at least one user (Page 5, paragraph 0053).

Katcher is silent on customizing preferences of a user, filtering the video enhanced content information based on the preferences and performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected, providing feedback information to the user, negotiating with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user.

Huber discloses customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); extracting from the video signal video enhanced content

Art Unit: 2424

information representative of at least one product presented on the video program (Page 3, paragraphs 0028-0031); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); presenting to the user the filtered video enhanced content information (Page 2, paragraph 0015); receiving a selection of a product of interest (Pages 1-2, paragraph 0011); allowing the user to authorize purchasing of the selected product or user is selecting to purchase the product (Pages 3, paragraphs 0028-0031), providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028); completing a purchase transaction for the selected product (Page 3, paragraphs 0029). Huber discloses making purchases (Figures 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher to include customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

The combination is silent on performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of

being selected, negotiating with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user.

Nagasaka discloses wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected (as the object is capable of being selected in the later frame) and providing the identified data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher which allows products to be selected for information for sale and allows some products or objects to be selected (Abstract, Figures 5A-5C, Page 5, paragraph 0053-0056) with Nagasaka's the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected and providing the identified data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35) as taught by Nagasaka to make the object capable of being selected in the later frame to provide a way to make it easier for the user to easily trace scenes (Column 2, lines 28-32) as disclosed by Nagasaka.

The combination is silent on negotiating with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price

Art Unit: 2424

initially offered by the source regarding the selected product; outputting results of the negotiation; and receiving and analyzing satisfaction response from the user.

Tavor discloses in the negotiating by the video device with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 3, lines 32-39, Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45).

Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include the negotiating by the video device with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 3, lines 32-39, Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours

Art Unit: 2424

a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

Regarding Claim 29, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. Katcher discloses storing the video signal in a storage device or the video is recorded (Page 3, paragraph 0039).

13. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka as applied to Claims 1 and 15, further in view of Rebane (US 2003/0130983).

Regarding Claims 30 and 31, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

Art Unit: 2424

14. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor as applied to claim 28 above, and further in view of Rebane.

Regarding Claim 32, Katcher, Huber Nagasaka, and Tavor discloses all limitations of Claim 28. The combination is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data wit the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

15. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka as applied to claims 1 and 15 above, and further in view of Tomsen (US 2002/0056109).

Regarding Claim 33, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on wherein at least one source not associated with a source of the video program is a user's custom list. Tomsen discloses wherein at least one source not associated with a source of the video program is a user's custom list (Page

Art Unit: 2424

3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 34, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user. Tomsen discloses wherein the at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 35, Katcher and Nagasaka disclose all limitations of Claim 15. The combination is silent on wherein at least one source not associated with a source of the video program is a user's custom list. Tomsen discloses wherein at least one

Art Unit: 2424

source not associated with a source of the video program is a user's custom list (Page 3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 36, Katcher and Nagasaka disclose all limitations of Claim 15. The combination is silent on at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user. Tomsen discloses wherein the at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Art Unit: 2424

16. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor as applied to claim 28 above, and further in view of Tomsen.

Regarding Claim 37, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. The combination is silent on wherein at least one source not associated with a source of the video program is a user's custom list. Tomsen discloses wherein at least one source not associated with a source of the video program is a user's custom list (Page 3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 38, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. The combination is silent on at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user. Tomsen discloses wherein the at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraph 0052, 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a video device

Art Unit: 2424

generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraph 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Wednesday 7:30 am to 2:30 pm and Thursday and Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

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/FARZANA HOSSAIN/
Primary Examiner, Art Unit 2424

April 5, 2010